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Agenda item 107
Crime prevention and criminal justice

Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Note by the Secretariat

By its resolution 1999/19, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". The text of the draft resolution is reproduced below.

The General Assembly,

Recalling its resolutions 52/91 of 12 December 1997 and 53/110 of 9 December 1998 on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also Economic and Social Council resolution 1993/32 of 27 July 1993 and the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders,

Emphasizing the role of the Tenth Congress as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with paragraph 29 of the statement of principles and programme of action of the Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Welcoming the recommendations made by the Commission on Crime Prevention and Criminal Justice at its seventh[1] and eighth[2] sessions on the organizational and substantive preparations for the Tenth Congress,

Stressing the importance of undertaking all the preparatory activities for the Tenth Congress in a timely and concerted manner,

[1] *Official Records of the Economic and Social Council, 1998, Supplement No. 30* and corrigendum (E/1998/30 and Corr.1), chap. II.

[2] Ibid., *1999, Supplement No. 10* and corrigendum (E/1999/30 and Corr.1).

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1. *Takes note* of the report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;[3]

2. *Also takes note* of the reports of the four regional preparatory meetings for the Tenth Congress,[4] and invites Member States and other entities involved to take into account the conclusions and recommendations contained in those reports;

3. *Reiterates* its request to the Secretary-General to ensure, in collaboration with Member States, a wide and effective programme of public information related to the preparations for the Tenth Congress, to the Congress itself and to the follow-up to and implementation of its conclusions;

4. *Requests* the Secretary-General to assist least developed countries and consider ways to assist developing countries in need to participate in the Tenth Congress by providing the necessary resources for the travel and per diem of delegations from least developed countries, within available resources, and by exploring the possibility of obtaining contributions for that purpose from governmental, intergovernmental and relevant non-governmental organizations and donors;

5. *Calls upon* the specialized agencies and other relevant United Nations bodies, institutes and other intergovernmental and non-governmental organizations to participate effectively in the Tenth Congress and to contribute to the formulation of regional and international measures aimed at preventing crime and ensuring justice;

6. *Requests* the Secretary-General to ensure that the substantive and organizational arrangements for the Tenth Congress are adequate in relation to its expected outcome and to provide the required resources for that purpose in the proposed programme budget for the biennium 2000-2001;

7. *Approves* the draft programme of work and documentation for the Tenth Congress, as proposed by the Secretary-General in his report on progress made in the preparations for the Congress,[5] taking into account the recommendations of the Commission on Crime Prevention and Criminal Justice related thereto;

8. *Decides* that the high-level segment of the Tenth Congress shall be held on 14 and 15 April 2000 to allow heads of State or Government or government ministers to focus on the main theme of the Congress;

9. *Encourages* States, other entities concerned and the Secretary-General to work together in order to ensure that the four workshops to be held during the Tenth Congress focus clearly on the respective issues and achieve practical results, and invites interested Governments to follow up with concrete technical cooperation projects or activities;

10. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops;

11. *Encourages* Governments to make preparations for the Tenth Congress at an early stage and by all necessary means, including, where appropriate, by establishing national preparatory committees, with a view to contributing to a focused and productive discussion of the topics and to participating actively in the organization of and follow-up to the workshops, the submission of national position papers on different agenda items and

[3] E/CN.15/1999/6 and Corr.1.

[4] A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

[5] E/CN.15/1999/6 and Corr.1, chap. II, sect. F, and annex.

the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Tenth Congress at a high political level, for example, by heads of State or Government, government ministers or attorneys-general;

13. *Requests* the Secretary-General to invite prominent personalities with acknowledged expertise in the topics of the Tenth Congress, on the basis of equitable geographical distribution, to participate in panels under each topic of the Congress at the expense of the United Nations, with a view to ensuring a more focused discussion and action-oriented conclusions;

14. *Decides* that the Tenth Congress should, within the framework of the draft provisional agenda approved by the General Assembly in its resolution 53/110 of 9 December 1999, devote particular attention to ways and means of making operational the provisions of the United Nations convention against transnational organized crime, especially taking into account the needs of developing countries in the area of capacity-building;

15. *Requests* the Tenth Congress to submit, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action;

16. *Requests* the Commission on Crime Prevention and Criminal Justice to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fifty-fifth session;

17. *Requests* the Secretary-General to appoint a Secretary-General and an Executive Secretary of the Tenth Congress, in accordance with past practice, to perform their functions under the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders;

18. *Decides* to consider this subject at its fifty-fifth session.

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Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto

Note by the Secretariat

By its resolution 1999/20, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto". The text of the draft resolution is reproduced below.

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, by which it approved the Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, from 21 to 23 November 1994,

Recalling also its resolution 52/85 of 12 December 1997, by which it decided to establish an inter-sessional open-ended intergovernmental group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which met in Warsaw from 2 to 6 February 1998,

Taking note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held in Buenos Aires from 27 to 30 November 1995,[1] the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, adopted by the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held in Dakar from 21 to 23 July 1997,[2] and the Manila Declaration on the Prevention and

[1] E/CN.15/1996/2/Add.1, annex.
[2] E/CN.15/1998/6/Add.1, sect. I.

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Control of Transnational Crime, adopted by the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held in Manila from 23 to 25 March 1998,[3]

Recalling its resolution 53/111 of 9 December 1998, by which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Convinced of the need to ensure the rapid development and conclusion of the Convention and the protocols thereto,

Recalling the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its second session, held in Vienna from 8 to 12 March 1999,[4]

1. *Takes note* of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime submitted to the Commission on Crime Prevention and Criminal Justice at its eighth session,[5] and expresses its appreciation of the results achieved by the Ad Hoc Committee during its first, second and third sessions, held in Vienna from 19 to 29 January, from 8 to 12 March and from 28 April to 3 May 1999, respectively, in the development of the draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto, addressing trafficking in women and children, combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants;

2. *Expresses its appreciation* to the Government of Argentina for acting as host to the informal preparatory meeting of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, held in Buenos Aires from 31 August to 4 September 1998;

3. *Decides* that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requests the Ad Hoc Committee to make any corresponding changes to the draft instrument;

4. *Requests* the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in the year 2000;

5. *Decides* that the Ad Hoc Committee shall be convened in 2000 as required in order to complete its tasks, holding no fewer than four sessions of two weeks each, according to a schedule to be drawn up;

6. *Requests* the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and

[3] E/CN.15/1998/6/Add.2, sect. I.

[4] A/AC.254/11.

[5] A/AC.254/13-E/CN.15/1999/5.

ammunition, and illegal trafficking in and transportation of migrants, including by sea, in order to enhance the possibility of their completion at the same time as the draft Convention;

7. *Welcomes* the offer of the International Institute of Higher Studies in Criminal Sciences to host informal meetings as deemed appropriate to assist the work of the Ad Hoc Committee;

8. *Encourages* Member States to convene informal regional or interregional meetings to assist the work of the Ad Hoc Committee;

9. *Welcomes* the offer of the Government of Japan to host an international seminar on illicit manufacturing of and trafficking in firearms;

10. *Decides* to convene a conference of plenipotentiaries in 2000 with the objective of finalizing and adopting the Convention and the protocols thereto and to opening the Convention and the protocols for signature at the Millennium Assembly;

11. *Notes with appreciation* the offer by the Government of Italy to host the conference of plenipotentiaries in Palermo, Italy;

12. *Requests* the Secretary-General to provide the Ad Hoc Committee and the conference of plenipotentiaries with the required facilities and resources to support their work;

13. *Invites* donor countries to cooperate with developing countries in order to ensure their full participation in the ongoing negotiating process and in the implementation of the Convention through appropriate means of technical assistance;

14. *Requests* the Secretary-General to continue to provide to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime;

15. *Requests* the Ad Hoc Committee to submit a report to the Commission on Crime Prevention and Criminal Justice at its ninth session on the progress achieved in its work.

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Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives

Note by the Secretariat

By its resolution 1999/21, the Economic and Social Council recommended tot he General Assembly the adoption of a draft resolution entitled "Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: Illicit manufacturing of an trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives". The text of the draft resolution is reproduced below.

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998 on transnational organized crime,

Recalling also Economic and Social Council resolutions 1998/17 of 28 July 1998 on the regulation of explosives for the purpose of crime prevention and public health and safety and 1998/18, also of 28 July 1998, on measures to regulate firearms for the purpose of combating illicit trafficking in firearms,

Taking into account the work of the Panel of Governmental Experts on Small Arms, established pursuant to General Assembly resolution 50/70 B of 12 December 1995,

Recognizing the need for effective coordination between the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the different United Nations bodies involved in the field of small arms,

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Taking note of the United Nations International Study on Firearm Regulation[1] and of the note by the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and the abuse and misuse of explosives for criminal purposes,[2]

Concerned by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and by the seriousness of the problems arising from them, as well as by their links with transnational organized crime,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Aware also that the illicit manufacturing of, trafficking in and criminal misuse of explosives have a harmful effect on the security of States and endanger the well-being of peoples and their social and economic development,

Deeply concerned that effective action against transnational organized crime is hampered by the easy access that criminals have to explosives,

Convinced that combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as combating the illicit manufacture of and trafficking in explosives, requires international cooperation, the exchange of information and other appropriate measures at the national, regional and global levels,

Aware of the importance of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation in the matter, including guidelines and model regulations,

Underlining the need for all States, especially those States which produce, export or import arms, to take the necessary measures to prevent, curb, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives,

Reaffirming the principles of sovereignty, non-intervention and the sovereign equality of all States and the rights and obligations enshrined in the Charter of the United Nations,

1. *Welcomes* the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and encourages it to continue the negotiation of an international legal instrument dealing with the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

2. *Recommends* that, in negotiating the international legal instrument, the Ad Hoc Committee take into account, when appropriate and pertinent, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, as well as other existing international instruments and ongoing initiatives;

3. *Calls upon* States to consider the adoption of such legislative or other measures as may be necessary to establish as criminal offences under their domestic law the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

4. *Encourages* States to consider forms to enhance cooperation and the exchange of data and other information with a view to preventing, curbing, combating and eradicating

[1] United Nations publication, Sales No. E.98.IV.2.

[2] E/CN.15/1999/3/Add.1.

the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

5. *Requests* the Secretary-General, within existing or extrabudgetary resources, to convene an expert group with no more than twenty members with equitable geographical representation to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, taking fully into consideration the issues listed in paragraph 2 of Economic and Social Council resolution 1998/17;

6. *Also requests* the Secretary-General to facilitate the participation of experts from developing countries in the meeting of the expert group by providing, from within existing or extrabudgetary resources, for the travel of experts from such countries;

7. *Invites* Member States to make voluntary contributions in order to support the study to be prepared by the expert group and to ensure the participation of experts from developing countries;

8. *Requests* the Secretary-General to report, as early as possible, to the Commission on Crime Prevention and Criminal Justice on the results of the study, and directs the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.